

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA ADAM SCHULTE,

Plaintiff,

-against-

UNITED STATES OF AMERICA, *et al.*,

Defendants.

21-CV-4042 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On February 3, 2022, the Government filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. *See* ECF No. 20. On April 13, 2022, the Court received a letter from Plaintiff stating that he is unable to respond to the motion without access to state-law legal materials. *See* ECF No. 27. The Government states that it is unable to provide Plaintiff with comprehensive access to state law legal materials, but will provide Plaintiff with the legal materials referenced in its motion. *See* ECF No. 31.

In light of the foregoing, it is hereby ORDERED that Plaintiff shall file any amended complaint by **June 7, 2022**. To be clear, Plaintiff should file a single amended complaint addressing the allegations in all of the cases consolidated under 21-CV-4042. If Plaintiff believes that the pleading of additional facts will cure deficiencies identified in the motion to dismiss, the Plaintiff should include those facts in the amended complaint. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss. If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the

previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot.

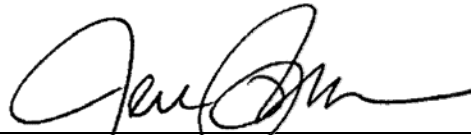
If no amended complaint is filed, Plaintiff shall serve any opposition to the motion to dismiss by **June 7, 2022**. Defendant's reply, if any, shall be served by **June 14, 2022**.

If Plaintiff seeks further relief relating to his access to state law materials, including, for example, a renewed motion for the appointment of *pro bono* counsel (either for purposes of opposing the Government's motion or generally), the Court will revisit the briefing schedule as appropriate.

The Clerk of Court is further directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: May 11, 2022
New York, New York



JESSE M. FURMAN
United States District Judge